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RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 97-140

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 1994.]

2. Form, Style and Placement in Administrative Code

a. The treatment of subunits of a rule are arranged in the numerical order of the decimal-numbered provisions as they appear in the rule at the time of drafting. SECTIONS 1 and 2 of the rule should be reviewed so that subunits of the current rule are treated in numerical order. For example, the creation of s. NR 10.001 (1k) in SECTION 2 of the rule should precede the renumbering of s. NR 10.001 (3) in SECTION 1 of the rule.

b. SECTION 1 of the rule renumbers s. NR 10.001 (9) as sub. (9m). However, the current rule already contains a sub. (9m), relating to exterior goose management zones. The renumbering should be reviewed to ensure that subsection numbers are not duplicated.

c. Since the rule is introducing the concept of Class A and B bear licenses, it may be helpful to define those terms, with an appropriate statutory cross-reference, in the rule.

d. In the equation in s. NR 10.102 (1) (c), “Hunter success rate” should replace “Success rate.”

e. Although the treatment clause of SECTION 7 of the rule purports to repeal and recreate s. NR 10.102 (6), the recreated subsection is identified as sub. (7). This discrepancy should be clarified.

Also, the material that precedes pars. (a) to (c) is improperly drafted as introductory material since it does not end in a colon and lead into pars. (a) to (c). It is suggested that it be numbered par. (a) and that pars. (a) to (c) become pars. (b) to (d). [s. 1.03 (8), Manual.]

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. In s. NR 10.001 (1k), an activity “may” include several things. The use of the term “may” implies a permissive construction of “activity” such that any of the listed items may or may not be considered an “activity.” Is this construction intended? If not, “may” could be deleted and the word “include” could be changed to “includes.”

b. In s. NR 10.001 (3), the phrase “engaged in” should be deleted.

c. In s. NR 10.001 (9), the phrase “business of bear eco-tourism” is redundant since sub. (3) defines bear eco-tourism as the business of observing bear. Accordingly, the phrase “the business of” should be deleted. Also, the clarity of the rule would be enhanced if a “certified institute of education” were better identified. Would this term encompass public and private K-12 school groups, or college and university groups, or both? Must the institute of education receive a certification from the department for observing or studying bear or does the certification relate to some sort of educational accreditation?

d. For purposes of clarity, it may be helpful to add the phrase “issued to members of the group”, or a similar phrase, after the word “licenses” in the first sentence of s. NR 10.102 (2) (b) to clarify which licenses the group is supposed to accept or reject.

e. Section NR 10.102 (4) requires successful applicants to submit the appropriate “permit fee” to the department before receiving a license. Should the successful candidate instead submit a “license fee”?